

FISCAL NOTE

Bill #: HB0195 **Title:** Mandatory penalty provisions for repeat DUI offenders -- for federal funding

Primary Sponsor: Younkin, C **Status:** Third Reading

Sponsor signature	Date	Chuck Swysgood, Budget Director	Date
-------------------	------	---------------------------------	------

Fiscal Summary

	<u>FY 2004 Difference</u>	<u>FY 2005 Difference</u>
Expenditures:		
General Fund	\$95,335	\$95,335
Revenue:		
General Fund	\$271,200	\$352,200
Net Impact on General Fund Balance:	\$175,865	\$256,865

- | | |
|--|--|
| <input checked="" type="checkbox"/> Significant Local Gov. Impact
<input type="checkbox"/> Included in the Executive Budget
<input type="checkbox"/> Dedicated Revenue Form Attached | <input type="checkbox"/> Technical Concerns
<input checked="" type="checkbox"/> Significant Long-Term Impacts
<input checked="" type="checkbox"/> Needs to be included in HB 2 |
|--|--|

Fiscal Analysis

ASSUMPTIONS:

Department of Justice – Montana Highway Patrol

1. The Montana Highway Patrol (MHP) issued 2,393 DUI citations in 2001. Based on national statistics, 790 of those citations will be repeat offenders.
2. Two additional days in jail for each of these offenders will increase incarceration expenditures for MHP by \$84,862 per year. (790 offenders x 2 days x \$53.71 per day = \$84,862).
3. The MHP issued 106 per se (BAC) citations in 2001. Based on national statistics, 35 of those citations will be repeat offenders including 17 that will be second time and 18 that will be third time or subsequent offenders.
4. For second time offenders this bill requires an additional three days of jail time. MHP incarceration expenditures will increase by \$2,739 per year. (17 offenders x 3 days x \$53.71 = \$2,739)
5. For third or subsequent offenders, the bill requires eight days of additional jail time. MHP incarceration expenditures will increase by \$7,734 per year. (18 offenders x 8 days x \$53.71 = \$7,734)
6. The net increase in expenditures for the MHP will be \$95,335 per year. (\$84,862 + \$2,739 + \$7,734 = \$95,335)

Fiscal Note Request HB0195, Third Reading

(continued)

7. There will be 1,208 first time DUI offenders paying an additional \$200 per citation, 790 repeat offenders paying an additional \$200 per citation, and 395 third time offenders paying an additional \$500 per citation for a total increase in DUI citation revenue of \$676,100.
8. There will be 71 first time per se (BAC) offenders paying an additional \$200 per citation, 17 second time offenders paying an additional \$200 per citation, and 18 third time offenders paying an additional \$500 per citation for a total increase in BAC citation revenue of \$28,300.
9. The total increase revenue for DUI and BAC citations is \$704,400. One half (\$352,200) of these revenues will go to local government and on half will go to the general fund.

Department of Justice – Motor Vehicle Division

10. Under current law, the 2nd or subsequent DUI or BAC offender is eligible for a probationary drivers license as soon as they've installed the interlock device, paid the \$100 reinstatement fee, and met other requirements for relicensure. This bill will force all second or subsequent offenders to wait one full year before they are eligible for relicensure, resulting in the deferred payment of the \$100 reinstatement fee.
11. Annually, 4,800 drivers' license suspension actions are taken on first offenses and 1,500 on second or subsequent offense DUI/BAC violations. Historically, 80 percent of those suspension actions result in a reinstated probationary drivers' license within the suspension period. Of that 80 percent, 90 percent are typically reinstated within a three-month period following the suspension action.
12. Assuming the bill will become effective April 1, 2003, approximately 75 percent of those who would have obtained a reinstated probationary drivers' license and paid the reinstatement fee during FY 2004 will not do so until FY 2005.
13. This deferment of reinstatement fees will result in decreased reinstatement fees in FY 2004 of approximately \$81,000. Those fees are deposited in the state general fund.
14. The reinstate fee cycle will be ongoing resulting in no revenue impact beyond the delayed reinstatement fees for FY 2004.
15. Any administrative costs for programming to provide modifications to the driver license application will be incurred during FY 2003 resulting in no programming costs for FY 2004 or FY 2005.

FISCAL IMPACT:

Department of Justice		FY 2004	FY 2005
Montana Highway Patrol		<u>Difference</u>	<u>Difference</u>
<u>Expenditures:</u>			
Operating Expenses		\$95,335	\$95,335
<u>Funding of Expenditures:</u>			
General Fund (01)		\$95,335	\$95,335
<u>Revenues:</u>			
General Fund (01)	Montana Highway Patrol	\$352,200	\$352,200
	Motor Vehicle Division	<u>(81,000)</u>	<u>0</u>
TOTAL		\$271,200	\$352,200
<u>Net Impact to Fund Balance (Revenue minus Funding of Expenditures):</u>			
General Fund (01)		\$175,865	\$256,865

Fiscal Note Request HB0195, Third Reading

(continued)

EFFECT ON COUNTY OR OTHER LOCAL REVENUES OR EXPENDITURES:

Local governments will receive \$352,200 additional revenue each year.

LONG-RANGE IMPACTS:

Department of Transportation

Although there is no net fiscal impact to the Department of Transportation from this legislation, failure to pass this bill will result in the transfer of \$5.6 million per year from the federal aid construction program to the highway traffic safety program. Federal aid highway dollars traditionally used for capital construction and maintenance of the state transportation system will be diverted to the Governor's Highway Safety Plan, also known as the 402 Plan. The transfer will occur from FFY 2001 through FFY 2005, unless this bill is adopted. It is unknown what will be included in the new federal highway spending bill for years beyond FFY 2005.